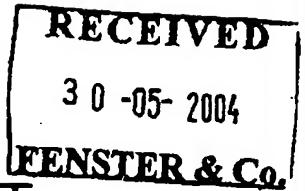


PATENT COOPERATION TREATY



From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

Fenster, Paul
FENSTER & COMPANY
INTELLECTUAL PROPERTY 2002 LTD.
P.O. Box 10256
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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

19.05.2004

Applicant's or agent's file reference
299/02348 **3348**

IMPORTANT NOTIFICATION

International application No.
PCT/IL 03/0219

International filing date (day/month/year)
13.03.2003

Priority date (day/month/year)
13.03.2003

Applicant
SHALEV, Pinchas ET AL.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the international Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 21 MAY 2004

WIPO

PCT



Applicant's or agent's file reference 299/02348	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IL 03/00219	International filing date (day/month/year) 13.03.2003	Priority date (day/month/year) 13.03.2003
International Patent Classification (IPC) or both national classification and IPC A45D26/00		
Applicant SHALEV, Pinchas ET AL.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 14.03.2004	Date of completion of this report 19.05.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Rattenberger, B Telephone No. +49 89 2399-7091 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IL 03/00219

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-20, 29-31 as originally filed

21-28 received on 24.03.2004 with letter of 22.03.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IL 03/00219**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-31
	No: Claims	
Inventive step (IS)	Yes: Claims	1-31
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-31
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IL03/00219

Re Item V

Independent claim 1:

Document WO-A-03/009976 representing the closest prior art to the subject-matter of claim 1 discloses a hair cutting apparatus comprising an elongate element heated to a temperature capable of cutting hair, but neither this nor any other document cited in the international search report gives an indication that the elongate element is mounted on a vibrating structure as it is stated in claim 1.

Therefore the subject-matter of claim 1 is new and inventive over the prior art.

Independent claim 22:

Document WO-A-03/009976 discloses also a method of cutting hair from an area of skin with a heat-generating element, but neither this nor any other document cited in the international search report discloses that the heat-generating element is also vibrating, which renders also the subject-matter of method claim 22 new and inventive over the prior art.

Independent claim 27:

Neither Document WO-A-03/009976 nor any other document cited in the international search report discloses explicitly the method of manufacturing a heat-generating wire namely how a wire is fixed and tensioned between two separated posts and therefore also the subject-matter of the method claim 27 is new and inventive over the prior art.

Dependent claims 2-21, 23-36 and 28-31:

As the claims 2-21, 23-36 and 28-31 are depending on claims 1, 22 or 27 which are new and inventive over the prior art also the subject-matter of these claims is new and inventive over the prior art.

The subject-matter of claims 1-31 is industrially applicable.

21. Apparatus according to any of the preceding claims wherein the apparatus is a hand held apparatus adapted to be pressed against the skin of a user and cut hair on said skin at or near the surface of the skin.
- 5 22. A method of cutting hair from an area of skin with a vibrating heat-generating element, comprising:
- a) heating an elongate element to a temperature high enough to cut the hair;
 - b) placing the heated elongate element against the area; and
 - c) vibrating the element in a direction perpendicular to a long axis thereof, so that it
- 10 makes multiple passes over the area during the placing.
23. A method according to claim 22 further comprising collecting the cut hair.
24. A method according to claim 23 including moving the cut hair into a receptacle.
- 15 25. A method according to any of claims 22-24 wherein the elongate element is a wire.
26. A method according to any of claims 22-25 and including moving the elongate element along the surface of the skin of an area from which hair is to be removed by hand.
- 20 27. A method of manufacturing a tensioned heat-generating wire, comprising:
- positioning a wire on two separated posts, at least one of which is resilient in a direction along the wire axis;
 - tensioning the wire in a direction and by an amount sufficient to deform the posts so that
- 25 the positions of the wire on the posts toward each other; and
- then fixing the wires in place so that they remain tensioned by the deformed post or posts.
28. A method according to claim 27 wherein at least one of the posts is provided with a guide for the wire and including:
- 30 positioning the at least one wire guide;
- pulling at least one ends of the wire extending past the postions of the wires on the post in a direction having a zero or acute angle with the axis of the post, to bend the post toward the other post.